

REMARKS

In paragraph 2 of the final Action, claims 1-6 were rejected under 35 U.S.C. 102(e) as being anticipated by Otworth et al.

In view of the rejection, claim 1 has been amended to include the subject matter of claim 2; claim 5 has been amended to include the subject matter of claims 1 and 4; and claim 6 has been amended to include the subject matter of claims 1, 4 and 5. Claims 2-4 have been cancelled. The amendments do not introduce new issue.

Otworth et al. is directed to a system for processing electronic information associated with a biological subject 10. The system includes a testing kit 100 for obtaining a representative sample 115 of the biological subject 10, and a remote data service 200 associated with the testing kit 100 to determine pre-selected test results. The testing kit 100 includes a cartridge 110 for performing a pre-selected test and generating electronic information 70, and a modem 173. The data service 200 receives information from the testing kit 100, and generates and transmits test results to a test kit operator or a third party. Namely, information is remotely collected, and provided to a centralized testing service, and there, processing, managing and distributing the data, and the associated processed data thereby enabling various application and uses of the data (paragraph 0002).

As an embodiment, biological substances such as blood, urine and so on is obtained in the testing kit 100. The data service 200 includes a data analysis module 220 that analyzes the received data to produce analysis results 230, which may be provided to technicians. Patient records are stored in a patient records database 260, and may be correlated with a secondary data set to find some relationship. Also, data read in the cartridge reader 130 is checked, i.e. if the cartridge reader 130 performed adequately, but no method is shown to correct malfunction of the test kit or cartridge reader.

In claim 1 of the invention, a maintenance system for an analyzing instrument comprises first and second computers. The first computer is provided in an analyzing instrument, and includes inspecting means for inspecting abnormality of the analyzing instrument. The second computer is provided in a maintenance department side, and includes information storing means storing in advance maintenance information for solving abnormalities, and searching means for searching the maintenance information corresponding to abnormality information contained in the result information sent from the first computer from the information storing means to extract the maintenance information. The searching means refers to an abnormality occurrence frequency at a portion where the abnormality occurs from accumulated result information obtained in a past inspection of the analyzing instrument in which the abnormality is detected to thereby obtain optimum repair information.

In the invention, the first computer includes the inspecting means for inspecting abnormality of the analyzing instrument. In Otworth et al., in the testing kit 100, representative sample 115 of the biological subject 10 is obtained and sent to the center data service 200. However, there is no inspecting means for inspecting abnormality of the analyzing instrument, i.e. testing kit 100.

In the invention, the second computer includes the information storing means storing in advance maintenance information for solving abnormalities. In Otworth et al., the test information is stored, but no maintenance information is stored. Especially, no information for solving abnormality is stored in advance in the memory.

Further, in the invention, the searching means searches the maintenance information corresponding to abnormality information contained in the result information. Especially, the searching

means refers to an abnormality occurrence frequency at a portion where the abnormality occurs from accumulated result information obtained in the past inspection of the analyzing instrument in which the abnormality is detected. In Otworth et al., the patient records are stored in a patient records database 260, and may be correlated with a secondary data set to find some relationship. However, the abnormality occurrence frequency is not referred to nor obtained.

Therefore, claim 1 now amended is not disclosed or suggested in Otworth et al.

In the invention, the searching means searches the maintenance information corresponding to the abnormality information. In claim 5, the maintenance system further includes inspection result determining section for receiving the result information sent from the first computer and determining if the result information contains the abnormality. The inspection result determining section sends the result information to the storing means if there is no abnormality and to the searching means if there is the abnormality.

In Otworth et al., data read in the cartridge reader 130 is checked to find if the cartridge reader 130 performed adequately. However, if abnormality is found in the data, no action is taken to solve abnormality. No maintenance information is stored in the storing means for solving the abnormality, and no maintenance information corresponding to the abnormality information is searched in Otworth et al.

In claim 6, the maintenance system in claim 5 is specified such that a spectrophotometer is connected to the first computer. In Otworth et al., electronic sensors in the testing kit 100 may be formed by spectrometry-based sensing methods. However, the maintenance of the spectrophotometer is not considered at all.

In Otworth et al., information of the subject is obtained from the testing device in the testing kit 100, and the testing device is checked only by calibration in the central data service 200. No

information corresponding to abnormality for solving the abnormality is stored and searched in the testing kit 100 or central data service 200 in Otworth et al. The specific searching means for searching the maintenance information corresponding to abnormality information and other structure for solving abnormality in the analyzing instrument of the invention is disclosed or suggested in Otworth et al. The invention is patentable over Otworth et al.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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